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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,134	01/14/2004	James C. Nicholson	72255/00011	3828
23380	7590	11/04/2005		EXAMINER
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475				HANNON, CHRISTIAN A
			ART UNIT	PAPER NUMBER
				2685

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/757,134	NICHOLSON, JAMES C.
	Examiner Christian A. Hannon	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 August 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19,21-23,25,26,28-30 and 32-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19,21-23,25,26,28-30 and 32-34 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 14 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This action is in response to applicant's response filed on 8/15/2005.

Claims 1-19, 21-23, 25-26, 28-30 & 32-34 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by McFarland et al (US 6,853,197)

In regards to claims 1 & 7, McFarland et al teach an antenna system comprising an antenna element for transmitting and receiving signals at radio frequencies (Figure 2, Item 210; McFarland et al), an antenna connector for establishing a signal connection between the antenna element and a radio component (Figure 2, Item 215 & 240), an electronic serialization component for indicating at least one predetermined antenna characteristic, and adapted to read out the predetermined antenna characteristics through the antenna connector to the radio component (Column 4, Lines 51-59; McFarland et al), wherein the electronic serialization component is reprogrammable to change a value of the at least one predetermined antenna characteristic (Column 5, Lines 52-59;

McFarland et al). It is noted that the electronic serialization component is being interpreted by the examiner to consist of the microchip (Figure 6, Item 640), controller (Figure 6, Item 645) and memory (Figure 6, Item 650). Furthermore McFarland et al also teach the antenna system in addition to a wireless communication device comprising a radio component for exchanging wired electronic signals with wireless signals (Column 10, Lines 5-15; McFarland et al) in addition to the antenna system of claim 1. McFarland et al also teach that the electronic serialization component is responsive to remote signals supplied through port 275 in figure 2.

Regarding claims 2 & 8, McFarland et al teach the claims of 1 & 7 wherein the predetermined antenna characteristics are selected from a group including at least one of: antenna gain, operational frequency band, product model number and type of connection (Column 4, Lines 51-59).

In regards to claims 3 & 9, McFarland et al teach the art of claims 1 & 7 wherein the electronic serialization component comprises a circuit, wherein the predetermined antenna characteristics are coded into the circuit (Column 5, Lines 32-51; Column 10, Lines 40-47; McFarland et al).

Regarding claims 4 & 10, McFarland et al teach the art of claims 3 & 7 wherein the circuit comprises a semiconductor memory chip (Column 10, Lines 4-23).

In regards to claims 5 & 11, McFarland et al teach the art of claims 3 & 7 wherein the circuit comprises a threshold detection circuit for detecting a

predetermined voltage threshold, corresponding to a predetermined antenna gain (Column 2, Lines 6-8; Column 6, Lines 35-57; McFarland et al).

Regarding claims 6 & 12, McFarland et al teach the art of claim 1 & 7 wherein the antenna element comprises a plurality of antenna elements in an antenna array (Column 3, Lines 52-56; McFarland et al).

In regards to claim 13, McFarland et al teach the wireless communications device of claim 7 wherein the antenna system is an integrally mounted antenna system (Column 1, Lines 57-60; Column 2, Lines 17-25; McFarland et al).

Regarding claim 14, McFarland et al teach the wireless communications device of claim 7 wherein the antenna system is an externally mounted antenna system (Column 10, Lines 24-39; McFarland et al).

In regards to claim 15, McFarland et al teach the wireless communications device of claim 7 wherein the radio component comprises at least one algorithm for varying at least one operational parameter in response to the predetermined antenna characteristics (Column 5, Lines 33-51; McFarland et al).

Regarding claim 16, McFarland et al teach the wireless communications device of claim 15 wherein the predetermined antenna characteristics comprise antenna gain, and wherein the radio component algorithm sets antenna power so as to maintain antenna gain (Column 4, Lines 51-59; Column 8, Lines 61-67; Column 9, Lines 1-15; McFarland et al).

In regards to claim 17, McFarland et al teach the wireless communication device of claim 7 wherein the radio component and antenna system are included

in at least one of a wireless access point and bridge for use with wireless local area networks (Column 12, Lines 37-51; McFarland et al).

Regarding claim 18, McFarland et al teach a method of antenna operation comprising, receiving an ID stream from an antenna serialization component, processing the ID stream so as to identify at least one predetermined antenna characteristics, varying at least one operation parameters of a radio component in response to the at least one predetermined antenna characteristic (Column 8, Lines 46-52, 56-60; Column 9, Lines 26-33; McFarland et al). Furthermore McFarland et al teach modifying a value of the at least one antenna characteristic of the ID stream stored at the antenna serialization component responsive to a remote signal (Column 5, Lines 52-59; McFarland et al).

In regards to claim 19, McFarland et al teach the method of claim 18 wherein the steps of processing and varying are implemented by an algorithm within the radio component (Column 10, Lines 41-47; McFarland et al).

In regards to claim 21, McFarland et al teach the method of claim 18 wherein the at least one predetermined antenna characteristic comprises a predetermined radio component operational frequency range (Column 4, Lines 51-59; McFarland et al).

Regarding claim 22, McFarland et al teach the method of claim 18 wherein the at least one predetermined antenna characteristic comprises a predetermined antenna component number, and wherein the at least one operational parameter respectively comprises a command to disable the radio

component if the predetermined antenna component number is not indicated (Column 4, Lines 47-59; McFarland et al).

In regards to claim 23, McFarland et al teach the method of claim 18 further comprising a step of reading predetermined antenna characteristics over a network by a network administrator in a remote location (Column 2, Lines 37-43; McFarland et al).

In regards to claim 25, McFarland et al teach a computer usable medium having computer readable program code embodied therein for effecting the radio component operation, the computer readable program code in a computer program product comprising instructions for receiving an ID stream from an antenna serialization component, instructions for processing the ID stream so as to identify at least one predetermined antenna characteristics and instructions for varying at least one operational parameters of a radio component in response to the at least one predetermined antenna characteristic and instructions for modifying a value of the ID stream stored at the antenna serialization component (Column 12, Lines 64-67, Column 13, Lines 10-36; McFarland et al).

Regarding claim 26 McFarland et al teach the computer program product of claim 25 wherein the instructions for processing and varying are implemented by an algorithm within the radio component (Column 10, Lines 41-47; McFarland et al).

Regarding claim 28, McFarland et al teach the computer program product of claim 25 wherein the at least one predetermined antenna characteristic

comprises a predetermined radio component operational frequency range (Column 4, Lines 51-59; McFarland et al).

In regards to claim 29, McFarland et al teach the computer program product of claim 25 wherein the at least one predetermined antenna characteristic comprises a predetermined antenna component number, and wherein the at least one operational parameter respectively comprises a command to disable the radio component if the predetermined antenna component number is not indicated (Column 4, Lines 47-59; McFarland et al).

Regarding claim 30, McFarland et al teach the computer program product of claim 25 further comprising instructions for reading predetermined antenna characteristics over a network by a network administrator in a remote location (Column 2, Lines 37-43; McFarland et al).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland et al.

Regarding claims 32-34, McFarland et al teach the antenna system, method and computer program product of claims 1, 18 & 25 respectively, wherein the electronic serialization component is reprogrammable to change a

value of allowable operational frequency band (Column 4, Lines 51-59; Column 5, Lines 50-59; Table 1; McFarland et al). However McFarland et al do not explicitly state maximum output power as an operating characteristic. McFarland et al do however disclose the antenna gain of antenna 230. Since this gain is implicitly a derivative of the maximum output power then it would have been obvious.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19, 21-23, 25-26, 28-30 & 32-34 have been considered but are moot in view of the new ground of rejection. The examiner is now considering the electronic serialization component to consist of the microchip (Figure 6, Item 640), controller (Figure 6, Item 645) and memory (Figure 6, Item 650).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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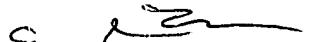
calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christian A. Hannon
October 17, 2005


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